

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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THERESA HERRON,

Plaintiff,

Case No. 20-cv-844-pp

v.

CREDIT ONE BANK, *et al.*,

Defendants.

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**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED  
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO  
DISMISS (DKT. NO. 12)**

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On July 21, 2020, defendant Enhanced Recovery Company LLC filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 12. The defendant argues that the plaintiff's complaint fails to state a claim for which relief may be granted against Enhanced Recovery. *Id.* at 2.

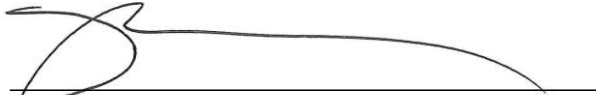
Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by August 11, 2020. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind.*, 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows

the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by August 11, 2020 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 24th day of July, 2020.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**